

## **PROBATE CALENDAR NOTES**

**June 5, 2020**

**8:30 a.m., Department 40  
Placer County Superior Court**

**All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:**

**Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.**

**Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.**

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **June 5, 2020, 8:30 a.m., in Department 40**, Commissioner Michael A. Jacques, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

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### **1. S-PR-0006528 Helalian, Dean Y. - In Re the Trust of**

Appearance is required for hearing on 5th trust account.

Missing notice of hearing and service of notice of hearing.

Clarification is needed: beginning balance conflicts with closing balance on 4th account without explanation.

Clarification is needed: the trust requires trustee bond. The account shows no bond premiums are paid, suggesting bond has not been maintained. Trustee bond of \$470,000 appears to be required.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**2. S-PR-0008099 King, Jr., Robert Emet - Estate of:**

Appearance is required for continued hearing on third report of administration. Contrary to the information provided in the report, no petition for final distribution has been filed or set for hearing.

Appearance is required for continued hearing on order to show cause re suspension of administrator.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**3. S-PR-0008100 2001 Marco Ramos Rev Trust; In Re the**

Appearance is required for status hearing on trust petition.

Missing accounting by Lecona as previously ordered.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**4. S-PR-0009452 Reed Fam Liv Trust; In re the**

Second amended petition to determine trust construction and beneficiaries

Appearance is required for continued hearing.

1st and 2d trustee accounts

Appearance is required for hearing on 1st and 2d trustee accounts.

Clarification is needed: account shows a June 2018 payment of \$1,750 to an unknown payee without explanation.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**5. S-PR-0009459 Wise, Brenda Kay - In Re Estate of**

Appearance is required for hearing.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**6. S-PR-0009629 Peter Paine Liv Trust; In re the**

It is recommended:

All pending petitions be continued to July 31, 2020, 8:30 a.m., in Department 40, to be heard with the petition to approve settlement agreement;

The trial assignment conference set June 26, 2020, be dropped.

**7. S-PR-0009725 Dodd Trust; Dodd Irrev Trust; In re the**

Appearance is required for status hearing to set trial assignment conference date.

Missing current status / meet and confer report on available dates.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**8. S-PR-0009782 Hendrickson, Loretta - In Re the Estate of**

Clarification is needed: estate holds no cash. Clarification is needed as to how attorney fees are to be paid. The court will not ordinarily award fees against a non-cash estate without such information.

**9. S-PR-0009795 Pervis, Patricia Ann - In Re Estate of**

Petition for final distribution is recommended for approval as prayed.

**10. S-PR-0009857 Hunter, Terence - In re the Estate of**

Additional information is needed: proposed reserve amount and reserve retention period appear to be excessive in light of the nature of the estate administration and value of the estate. Additional allegations are needed showing why the requested reserve is appropriate both in amount and proposed retention period.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**11. S-PR-0009864 Dodd Irrev Trust - In re the**

Appearance is required for status hearing to set trial assignment conference date.

Missing current status / meet and confer report on available dates.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**12. S-PR-0009973 Mullen, Daniel Francis ; In re the Estate of**

Missing required allegations at ¶ 5a(7)-(8) (issue of predeceased child(ren)).

**13. S-PR-0010042 Wahl, Edward - In Re Estate of**

Missing required allegations at ¶ 5a(7)-(8) (issue of predeceased child(ren)).

**14. S-PR-0010062 Robert F Miller Liv Trust; - In Re Matter of**

Appearance is required for status conference.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**15. S-PR-0010109 James, Alma Mae; In re the estate of**

Missing required allegations at ¶ 9a(3)-(4) (RDP).

**16. S-PR-0010122 Angela F. Dunakin Trust - In re the**

Missing sufficient notice. Notice filed February 11 and served February 5 omits information required by Prob.C. § 851(c)(1) & (c)(3). Missing use of mandatory form DE-115. New notice and service are required.

It is recommended the petition to determine trust property be denied. *Ukkestad v. RBS finance Inc.* (2015) 235 Cal.App.4th 156 did not consider whether and does not appear to hold that an all-real-property writing satisfies the statute of frauds as to after-acquired property where title was taken contrary to the trust long after the funding writing was executed. Note: this recommendation is not a tentative ruling by the court on the merits of the petition. Local Rule 80.1.4.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**17. S-PR-0010127 Sanderson, Jack Edward ; In re the Estate of**

Petition to administer estate is recommended for approval as prayed.

**18. S-PR-0010136 Duarte, Clarence R. - In Re Estate of**

Petition to administer estate is recommended for approval as prayed.

**19. S-PR-0010137 Megan O'Brien 2011 Irrev Trust; In re the**

Appearance is required for hearing on petition to terminate irrevocable trust.

Court determination needed: good cause is required to grant the petition as the subject trust appears to include a valid restraint on transfer (see trust at Art. VIII, § B), Prob.C. § 15403. Court to determine whether good cause has been shown.

Missing appointment of guardian ad litem for Liam Brooks and Camille Brooks. Prob.C. § 15405.

Alternative grounds (§ 15408(b)) are a trustee discretionary power. To obtain court approval or instruction concerning a discretionary power, a petition under § 17200 is likely required, with notice to a guardian ad litem for Liam Brooks and Camille Brooks.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**20. S-PR-0010138 Megan O'Brien 2503(c) Irrev Trust; In re the**

Appearance is required for hearing on petition to terminate irrevocable trust.

Court determination needed: good cause is required to grant the petition as the subject trust appears to include a valid restraint on transfer (see trust at § 4.11), Prob.C. § 15403. Court to determine whether good cause has been shown.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**21. S-PR-0010154 Johnson Rev Liv Trust; In re the**

Appearance is required for hearing on petition to determine validity of revocation of trust amendment and other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**22. S-PR-0010158 Frank H. Lopez Liv Trust; In re the**

Petition to determine trust property is recommended for approval as prayed.